

Quid Novi

VOL. VIII NO.18

MCGILL UNIVERSITY FACULTY OF LAW
FACULTE DE DROIT DE L'UNIVERSITE MCGILL

February 15, 1988
le 15 février, 1988

LAW SCHOOL MINIMUM HEIGHT REQUIREMENT

By Teresa Scassa

You've just bought your morning coffee. You're walking from the cafeteria towards the smoker's lounge (or the LSA Office or the Games Room). You approach the big black doors. Carefully you check the windows to see if anyone's coming. The coast is clear. You reach for the door. In one brutal instant, the door leaps open and crashes into you. You are winded. You have dropped your books. You are wearing your coffee.

Sound familiar? If you use that hallway or any of the stairwells you face the daily danger of being doored to death. It won't help to check the windows. That will only inspire a foolhardy reliance on the apparent absence of approaching persons.

The problem, of course, is short people. The official LSA definition of a short person is one who can't be seen through the window on the black doors. Short people are responsible for more accidents in our hallways than drunk driving. It's not really their fault. They don't mean to be a chronic health hazard.

Some might argue that the problem is not all that serious. After all, the black doors in the basement only lead to such relatively little used areas as the Smoker's Lounge and the LSA Office. However, as everyone knows, smoking stunts your growth. So does student politics. This fact has turned that particular

corridor into what is now known as the "Aisle of Death."

The doors in the stairwells pose a more desperate menace. Everyone uses the stairwells. And if there's anything worse than a short person coming through a black door, it's a keen short person who is late for class hurtling through a black door.

So, what's to be done? The administration of the university could be implored to change the doors. But this would cost money. Smokers who have been waiting for ventilation for their lounge will realize the sheer fantasy involved in this approach. Another solution would be to leave the doors open at all times. However these are fire doors. They are kept closed to stop the rapid spread of flames. For those not interested in half measures it is hard to see the logic in only burning down parts of the school. Actually, what is likely to happen is that the whole school will burn except for the doors. People searching through the rubble will be doored to death by short people searching through the rubble.

None of these are terribly practical solutions. It would seem that the only reasonable (defined as avoiding the great grinding gears of

McGill bureaucracy) option is to impose a height requirement. The windows on the doors are at 5 feet 3 inches (160 cm). Therefore students and faculty should be required to measure at least two inches over this amount.

Of course it would be unfair to suggest that all those not meeting the required height should give up the incredible intellectual stimulation of life at law school. Instead people should be allowed to meet this height requirement by artificial means. Thus for those only a few inches away from safety, a pair of heels or platform shoes would suffice. For those well below the minimum, a tall hat or brightly coloured ostrich feathers would be more appropriate. Students could be creative and be in law school at the same time.

Let's face it. Studying law is painful enough. Sure, everyone wants to get a foot in the door, but who needs a door in the face. When they told you that law school would open a lot of doors, no doubt you didn't expect to have to have plastic surgery afterwards. A law school minimum height requirement is our collective doorway to a safer and happier legal education.

The *Quid Novi* is your avenue to express your creativity. So go for it!!!

ANNOUNCEMENTS

TALMUD CLASS

Every Tuesday, 1:00 p.m., Room 202
Taught by former student Greg Bordan
Everyone is welcome, no background is
needed

* * *

PROGRAMMES EN DROIT DE LA SANTÉ UNIVERSITÉ DE SHERBROOKE

MAITRISE EN DROIT DE LA SANTÉ

Depuis le mois de septembre 1982, l'Université de Sherbrooke offre un programme de maîtrise en droit de la santé.

Sans équivalent en Amérique du Nord, ce programme porte sur les divers aspects légaux, sociaux et administratifs du droit de la santé. Il comprend ainsi un enseignement dans les matières suivantes: introduction au droit de la santé; droit médical (responsabilité civile et pénale médicale - médecine moderne); organisation administrative du monde de la santé; droit sanitaire international et législation comparée; droit du travail dans le secteur de la santé.

Le programme de maîtrise est ouvert aux bacheliers en droit ainsi qu'aux professionnels de la santé disposant d'un diplôme universitaire et d'une expérience jugée pertinente. La réussite de la scolarité et la rédaction d'un essai conduisent à l'obtention du grade de *Maître en droit* (LL.M.).

DIPLOME EN DROIT DE LA SANTÉ

Un diplôme en droit de la santé (D.E.S.) est également offert depuis septembre 1986. Il s'agit d'un diplôme de deuxième cycle comportant 30 crédits et basé sur les mêmes exigences de scolarité que la maîtrise.

*Pour tous renseignements, prière de
s'adresser au:*

Directeur du programme
Maîtrise en droit de la santé
Faculté en droit
Université de Sherbrooke
Sherbrooke (Québec) J1K 2R1
(819) 821-7518

* * *

BANQUET COMMITTEE

Meeting on Thursday at 1:00 p.m. in the
L.S.A. Office.

* * *

GRADUATING STUDENTS

Jostens is offering a special graduation ring opportunity to all students in their final year of the McGill National Program.

Normally, only the degree designation of LL.B. alone or B.C.L. alone is available on graduation rings for law students. However, if sufficient interest is shown (i.e., a minimum order of 10 rings), Jostens will prepare a special order which will include both degree designations on the ring at no additional cost. In addition, free engraving on the inside wall of the ring will be offered to students taking advantage of this opportunity (usually an extra \$10.00). While this might not be an enormous saving on the basic price of approximately \$270.00-280.00 (10k gold), nonetheless, I believe the rings would be truly unique and an excellent way to remember your law school. Now is the time to hit your rich grandmother for a graduation gift.

Anyone interested in these rings should contact me before February 29, 1988. I also

have a picture of the ring to show those who may be interested. Samples of the rings can be viewed on the ground floor of the Bronfman Building, Mondays 9 - 1 p.m., Wednesdays 1 - 3 p.m. and Thursdays 11 - 1 p.m.

Rodney Garson B.C.L. IV

phone: 483-5672 or on the 3rd floor of the library

* * *

SECOND TERM TRANSCRIPT VERIFICATION

*All students must verify their transcript at
The Student Affairs Office
between 10:00 a.m. and 3:00 p.m.
commencing Tuesday, February 9-19.*

Please note that first term grades are indicated on these transcripts, and should be verified.

Graduating students are especially urged to verify their transcripts immediately to ensure they have met with all of the necessary requirements.

Your compliance in verifying your record as early as possible will ensure immediate processing of corrections.

* * *

If you have always dreamed of an exciting night dancing to the sound of Merengue, salsa, biguin, rock...you can't miss it! This is your night! ZOUK PARTY organized by the Institute of Comparative Law at the John Bull Pub, Tuesday, March 3 at 9:00 p.m. You are all invited.

SPECIAL PROSECUTORS AS WEAPONS?

DEBATE OVER SPECIAL PROSECUTORS: Have they become weapons in a contest of power?

[Reprinted from *Time* (December 28, 1987)]

By Richard Lacayo

Call it the Week of the Special Prosecutor. The guilty verdict in the case of former White House Aide Michael Deaver was the first obtained by an independent counsel since the Ethics in Government Act formalized the terms of the job a decade ago. One day before the conviction, a reluctant Ronald Reagan signed into law a bill extending the counsel provisions of the ethics measure for five years. Meanwhile, Washington was bracing itself for the possibility of a raft of criminal indictments in another probe by a special prosecutor: the Iran-Contra investigation.

After the extension passed both houses of Congress by sizable majorities, Reagan had little choice but to sign it, despite what he called "strong doubts about its constitutionality." Rejecting the measure would have been especially awkward for the President, since some of those under investigation are among his closest cronies. The Deaver verdict was a victory for Whitney North Seymour Jr., a former U.S. Attorney in Manhattan who was appointed special prosecutor in May 1986. After the verdict, Seymour, himself a Republican, lashed out at the Reagan Administration for its lack of ethical leadership. Without such a guiding example, he said, the best that special prosecutors can do is "put a thumb in the dike."

In addition to Lawrence Walsh, a Wall Street lawyer who is handling the Iran-Contra probe, two other independent counsel are at work in investigations:

Washington Trial Lawyer James McKay is preparing for the January trial of his influ-

ence-peddling case against former White House Political Aide Lyn Nofziger, who, like Deaver, left the White House to become a Washington lobbyist. In a related investigation, McKay is looking into Attorney General Edwin Meese's links to the Wedtech Corp., one of Nofziger's clients. Meese is also being investigated by Walsh.

•Independent Counsel Alexia Morrison has spent a year and a half exploring accusations that former Assistant Attorney General Theodore Olson gave false testimony to Congress in 1983 about the withholding of Environmental Protection Agency documents from a House Investigating Committee.

Another probe was quietly closed last week without charges being filed. James Harper, a seasoned tax litigator, had been looking into the finances of former Assistant Attorney General W. Lawrence Wallace.

The Ethics in Government Act of 1978 institutionalized the job that Archibald Cox and Leon Jaworski carried out in Watergate - investigating and prosecuting alleged wrongdoing by senior Government officials in the Executive Branch. With memories of Richard Nixon's Saturday Night Massacre still fresh, Congress aimed to make any future independent counsel more autonomous. It required that they be appointed by a special panel of three federal judges and shielded from arbitrary presidential dismissal. It was left to the Attorney General, however, to decide, after an initial investigation, whether the accusations were sufficiently credible to justify such an appointment.

In the revised law signed by the President, Congress has reined in some of the Attorney General's power. This was in response to some lawmakers' complaints against Meese. "This Attorney General has abused his discretion," says Senate Democrat Carl Levin of Michigan. A number of legislators claim that Meese employed delaying tactics in the Olson case. They also charge that he shielded two Justice Department colleagues from the inquiry. Meese said he did so on the ground that he lacked evidence of their intent to commit a crime. The revised law severely restricts the Attorney General's authority to use such "state of mind" arguments to block a probe. The measure also requires him to disqualify himself in any case involving someone with whom he has a "current or recent personal or financial relationship."

Critics charge that the independent counsel have become weapons in the contest for power between Congress and the White House, turning political disputes into criminal procedures and creating runaway investigations that cost too much, take too long and sometimes ride roughshod over other compelling aims of Government. In the Deaver case, for instance, Independent Counsel Seymour injected himself into U.S. relationships with Canada when he tried to subpoena Canadian Ambassador Allan Gotlieb to testify about his government's consultations with Deaver over acid rain. His actions infuriated the State Department and provoked diplomatic protests from Canada.

In separate court challenges, Deaver, Lieut. Colonel Oliver North and Nofziger have all

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Do you have the itch to write, and see your name in print???
If so, do it!!! Submissions to the *Quid Novi* are always welcome,
every week until Wednesdays at 1PM.
Just slide it under the door and into immortality!!!

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LEGAL LAFFS?

[Reprinted from Peter V. MacDonald, *More Court Jesters*]

STUPID QUESTIONS

Ottawa lawyer E. Peter Newcombe, Q.C., tells of an examination for discovery in which he took part. A doctor was asked when he'd first had any contact with a particular child, and he answered that he'd been looking after the child "from birth". Then we're treated to this exchange between another lawyer and the doctor:

Q. From birth?

A. Yes.

Q. How old would the child have been at the time?

A. At birth they are not very old.

* * *

Now you shouldn't conclude from this sort of nonsense that the lawyers who asked these questions are dunderheads of the highest order. All it takes for a questioner to be in big trouble is to let his mind wander for a second or two. In the heat of battle, with many thoughts rattling around in your skull, this can easily happen.

Yes, sir, you have to have your brain in high gear at all times when you're firing off questions. If your concentration is broken, even for a moment, you can end up sounding like an idiot. This is universally true; to show you what I mean, here are some ghastly gaffes from south of the border.

Q. What happened then?

A. He told me, he says, "I'll have to kill you because you can identify me."

Q. Did he kill you?

* * *

Q. I'll show you Exhibit 3 and ask if you recognize that picture.

A. That's me.

Q. Were you present when that picture was taken?

Q. Now, Mrs. Smith, do you believe that you are emotionally stable?

A. I used to be.

Q. How many times have you committed suicide?

* * *

From a military trial:

Q. What, if anything, unusual occurred that evening?

A. Well, at approximately 17:30 I received a phone call from an unknown person - at the time - claiming that he wanted to commit murder, suicide and go AWOL.

Q. Was he upset?

* * *

This lawyer must have led a sheltered life:

Q. Do you have any children or anything of that kind?

* * *

And speaking of children:

Q. Do you know how far pregnant you are right now?

A. I will be three months on November 8th.

Q. Apparently, then, the date of conception was August 8th?

A. Yes.

Q. What were you and your husband doing at that time?

* * *

How's this for succinct stupidity?

Q. So you were gone until you returned?

* * *

The next fellow should take a few days off work:

Q. And what did he do then.

Cont'd on p.5

LETTER TO THE EDITOR:

LAW SCHOOL SPIRIT? A CLINIC IN APATHY

By Brian Shiller

So, you say that you were unable to attend the Law Games in Windsor this year because you had to study. If you look back on the three days that coincided with the Games I think that you will realize that Windsor was a better idea. Yet, as a result of your desire to remain in your law school shell, you missed out on the event of the year.

It is time to come to grips with the fact that law school is more than casebooks and class notes. It is the opportunity to get together with people who have similar interests and share their experiences. I refused to go to the Games last year because I thought that my time could be better spent in the classroom and library. It turns out that most of the class felt the same because McGill sent less people to Sherbrooke last year than UBC did. This year, unfortunately, was not much different. The McGill team was far out-numbered by their Quebec schools and it had a great effect on the outcome of most events as we found it very difficult to field teams. Rob Joseph and Nicole Hamelin put a great deal of effort into organizing the trip this year but got very little response. Why?

Let me tell you that attending the Law Games is almost better and more satisfying than __ (fill in the blank). Where else can you go and see Peter Hoffmann come within two words of being arrested? Where else can you go and see Dave Butts drink an entire pitcher of beer and throw-up all over the girls' bathroom with drunken women fleeing in disgust? Where else can you go to see Gus

LEGAL LAFFS?

Cont'd from p.4

He came home and the next morning he was dead.

So when he woke up the next morning he was dead?

Grant teach the masses the essence of metaphysics through thought-provoking hallwalks and trainwalks? Where else can you go and see our *de facto* leader, Ken Aboud, turn the floor of a hotel into a war zone in his attempt to justify every action taken by a group of derelict law students? Where else can you see Peter Noble verbally abuse a stripper?

It seems that McGill is gaining the unwanted reputation of representing the all-work-no-play attitude about law school. It is about time that attitudes change. As far as we know, the Games are going to be in Quebec City next year. While it is a long way off, everyone should plan to attend. It's a short trip and well worth the minimal cost. It is a rewarding experience because not only do you have the opportunity to relax in a stress-free environment, but you can improve your

Cont'd on p.6

Speaker's Corner

Women and the Law

Wednesday, February 17, 12 noon, Room 203

Me Miriam Grassby, "Women in the Legal Profession" series. Setting up an all-women law firm.

* * *

McGill Law and Policy Workshop

All workshops will be held at 12 noon in Room 202.

February 19

Guy Rocher, Université de Montréal, "Pour une sociologie des ordres juridiques"

February 26

[Study week]

PRESTIGIOUS SUMMER JOB!

The Law Reform Commission of Canada is looking for students for its Summer Research Internship Program. If selected, you would do research for the Commission on criminal law and procedure, administrative law, and/or protection of life. For more information see the notices posted on the job advertisement board, contact the Placements Office, or speak to Prof. Webber. Move fast, because complete applications (including at least one letter of reference) must be received by Prof. Webber by Friday, February 26.

EMPLOI D'ÉTÉ DE QUALITÉ!

La Commission de réforme du droit du Canada offre quatre emplois pour étudiants dans son programme de stages de recherche de l'été 1988. Les étudiants choisis feront de la recherche en droit pénal, en procédure pénale, en droit administratif ainsi que dans le domaine de la protection de la vie. Pour obtenir plus de renseignements, veuillez soit consulter les annonces sur le tableau des offres d'emploi, soit demander au "Placements Office", soit encore prendre contact avec M. le professeur Webber. Faites votre demande sans délai. Les demandes d'emploi complètes (y compris au moins une lettre de recommandation) doivent être reçues par M. le professeur Webber au plus tard vendredi, le 26 février.

SPECIAL PROSECUTERS...

Cont'd from p.3

tried, unsuccessfully so far, to have federal courts declare the independent-counsel law unconstitutional. A fourth challenge is pending in federal appeals court, stemming from the investigation of Olson. In August the Justice Department took a stand on the Olson case, filing a brief in which it argued, for the first time officially, that the law is unconstitutional.

Meese's department claims that the statute improperly assigns to the Judiciary powers of appointment that the Constitution reserves for the President. Supporters of the law reply that the "appointments clause" of the Constitution gives Congress the option of allowing courts to appoint certain "inferior officers." They say that description applies to independent counsel, who are appointed for a single task to serve for a temporary and limited period. Opponents say otherwise. An independent counsel, says Griffin Bell, Attorney general under Jimmy Carter, "has unbridled power and unfettered discretion to prosecute."

A decision on the Olson challenge is expected shortly, but the outlook for the Administration is not promising. A lower-court ruling in the case upheld the law. The Supreme Court, which may have to decide the matter in the end, has generally favoured a flexible interpretation of the separation of powers. The revised law will make appointment of future prosecutors easier to accomplish. "I see a lot more independent counsel roaming around," predicts Assistant Attorney General John Bolton. The Week of the Special Prosecutor may be just a preview for the Year of the Special Prosecutor, in 1988.

LETTER TO THE EDITOR...

Cont'd from p.5

partying skills and show-off your athletic ability. Stop perpetuating the myth that law school is all work. Next year, break out of your law school shell and flee Chancellor Day Hall for a few days.

(Editor's Note: Frankly, if the writer thinks that "attending the Law Games is almost better and more satisfying than...", obviously he has never had a good _____.)

Dear Abby Initio

Dear Abby Initio,

Do you believe in life after death?

Signed,
Mystified

Dear Mysty,

That depends. To which professor were you referring?

Dear Abby Initio,

I want to participate in Skit Nite but the thought of performing in front of all those professors makes me wet my pants.

Signed,
Moist at McGill

Dear McMoist,

Just think of all those shiny objects in audience as footlights instead of heads and all your stage fright will evaporate.

Dear Abby Initio,

There is a student in one of my classes who whenever she asks the professor a proper question, the answer comes out in spurts and I can't make a proper entry in my notes. Why can't this professor give a more methodical response?

Signed,
Frustrated

Dear Frustrated,

This is just a shot in the dark, but did you ever consider that the answers are just poorly conceived?

IMPORTANT

FOURTH YEAR STUDENTS FINAL NOTICE COMPOSITE PHOTO

NOTICE

It is absolutely essential that all students graduating in the National Program this year have their photographs taken at Van Dyck & Meyers by **February 29, 1988**. As of February 9, 1988, only 35 of 83 National Program students had signed the list in S.A.O. indicating that they had done so. As stated in the earlier notice Van Dyck & Meyers Studio is located at 1121 Ste-Catherine O./W (Phone: 849-7327) and is open from 9 - 5 p.m.

There is some confusion about the cost. **Whether or not** you had your photo taken at Van Dyck's for Old McGill in the first semester you must still pay \$21.95 plus tax for your 11" x 14" copy of the composite. If you have not yet paid this amount, it must be paid by the above-noted deadline (Feb. 29). Therefore, only put your name on the list in S.A.O. once you have both had the photo taken and paid your \$21.95.

It is absolutely imperative that this be done by all graduating students by the deadline. **If you do not make this deadline there is no chance of you later appearing on the composite.** Please make an effort to have your picture taken to ensure a complete class composite. Students graduating after three (3) years (either B.C.L. or LL.B.) should contact their class presidents since separate composites will be prepared for those classes.

Thank you for your anticipated cooperation in ensuring the success of our class composite.

Rodney Garson
President B.C.L./LL.B IV